THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION NO.9567 OF 2006

(DATED : 02.05.2006)

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Between:

The Ex. Services Security & Intelligence Force, rep. by

Its Chief Executive, Sri Vakada Sudhakar, S/o Sanjueeva Rao

Aged about 45 years, D.No.9-3-68, Vishalakshi Nagar,

Visakhapatnam.

…Petitioner

A n d

The Andhra Pradesh Eastern Power Distribution Company Limited rep. by its Chariman & Managing Director, Visakhapatnam and others.

…Respondents

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ORDER:

Petitioner claims to have an existing contractual agreement with the first respondent dated 08.02.2006 for providing security services to the respondents.

During the subsistence of the contract, the first respondent in a website, published a Tender Notification for the very same work for which contract was awarded to the petitioner, namely, `Provision of security guards to watch and ward of the Corporate office, APEPDCL, Visakhapatnam'.

Petitioner states that the conduct of the respondent in inviting tenders for award of contract during subsistence of the petitioner's contract with the respondent constitutes transgression of the contractual agreement between the parties. It is neither pleaded, urged nor established before this Court that the contract between the petitioner and the first respondent is a statutory contract. Any breach of the terms of such non statutory contract or any violation of the covenants thereunder are not liable to be determined in public law, as held by the Apex Court in **M/s.Radhakrishna Agarwal Vs. State of Bihar** and **Assistant Excise Commissioner Vs. Issac Peter**.

In view of the aforesaid decisions in law, the writ petition is not to be entertained and is accordingly dismissed particularly since the petitioner has an alternative remedy by way of seeking appropriate relief before the competent Court of civil jurisdiction or in arbitration, if there exists an arbitration clause between the parties under the contract. No costs.

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GODA RAGHURAM, J

02.05.2006

RAR/STP

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